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July 9, 2014

Mr. William R. Lange
Lawrence Doll Homes, LLC
10521 Rosehaven Street, Suite 240
Fairfax, Virginia 22030

RECEIVED ON

JUL 10 2014

DEPARTMENT OF
COMMUNITY DEVELOPMENT


Re. **Application for a Special Exception SE #14-04, to permit construction of a single family detached dwelling on a non-conforming parcel, 767 Monroe Street, Applicant: William R. Lange.**

Dear Mr. Lange:

This is to advise that at its meeting held on Tuesday, July 8, 2014, the Herndon Town Council approved your application for a special exception, SE #14-04, to permit construction of a single family detached dwelling on a non-conforming parcel, 767 Monroe Street, with the conditions set forth in the attached certified copy of the approved Resolution #14-G-55.

For further assistance, please remain in contact with Mark R. Holland, Zoning Administrator. Mr. Holland can be reached at the above address, by email at mark.holland@herndon-va.gov, or by phone at 703-787-7380.

Sincerely,



Arthur A. Anselene
Town Manager

Attachment

- c. Elizabeth M. Gilleran, Director of Community Development
Mark R. Holland, Zoning Administrator

TOWN OF HERNDON, VIRGINIA

RESOLUTION

JULY 8, 2014

Resolution- Application for a Special Exception, SE #14-04, Development of a Non-conforming Parcel.

WHEREAS, the applicant, William R. Lange, has submitted a request for a Special Exception to permit the construction of a single family detached dwelling on an existing non-conforming parcel of less than the minimum required 10,000 square feet and the minimum required width of 75 feet within the R-10, Residential, zoning district on the property located at 767 Monroe Street, Herndon, Virginia and identified as Fairfax County Tax Map Reference 0162-02-0265A; and

WHEREAS, the Planning Commission has reviewed this application and has held a public hearing in accordance with the provisions of §15.2-2204 of the State Code; and

WHEREAS, the Planning Commission has recommended that the application be approved with conditions based upon the finding that the proposed use with conditions is not adverse to the purpose and intent of the Zoning Ordinance, in particular §78-202.3(e) and Section 78-603(a)(3); and

WHEREAS, the Town Council has reviewed the application and the Planning Commission recommendations and has found that the proposed use, with conditions, is not adverse to the purpose and intent of the Zoning Ordinance, in particular §78-202.3(e) and Section 78-603(a)(3).

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Herndon, Virginia, hereby:

1. Determines that this proposed use with conditions meets the following standards as found in §78-202.3(e):
 - a. Is consistent with the comprehensive plan.
 - b. Is free of conflict with any provision of this chapter and related town regulations or any other applicable local, state, or federal laws and regulations.
 - c. Does not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.

- d. Consistent with the purpose and intent of the zoning district in which it is located, or will improve compatibility among uses and will ensure efficient development within the town.
 - e. Minimizes adverse visual impact of the proposed use on adjacent lands.
 - f. Contributes to a logical and orderly development pattern consistent with accepted or emerging planning practices.
 - g. Minimizes adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration, and should not create a nuisance.
 - h. Avoids significant adverse impacts on the property values of surrounding lands or substantially and permanently injures the use of neighboring property for those uses that are permitted in the zoning district.
 - i. Does not significantly and adversely impact the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.
 - j. Results in development that is adequately served by transportation facilities, including whether or not a substantial deterioration of the level of service on the town's transportation network would occur and whether or not the proposed use is designed to ensure safe ingress and egress onto the site and safe road conditions on and around the site.
 - k. Results in development that is adequately served by public facilities (roads, potable water and sewage, schools, parks, police, and fire and emergency medical facilities).
 - l. If infill and redevelopment is consistent with the redevelopment criteria and other applicable guidelines as stated in the Herndon 2030 Comprehensive Plan (adopted August 12, 2008), as amended.
 - m. If located in the floodplain overlay district, meets floodplain overlay standards.
2. The Town Council hereby grants to William R. Lange, the applicant, Special Exception #14-04 with the following conditions:

- a. Substantial Conformity. The site shall be developed and maintained in substantial conformance with the single lot development plan, TP #14-06, once reviewed and approved, if approved, for the issuance of building permits. Substantial conformance shall include any changes or modifications to the development resulting from the issuance of a Certificate of Appropriateness by the Heritage Preservation Review Board and/or the approval, if it is approved, of a variance by the Board of Zoning Appeals.
- b. Permitted use. The use shall be limited to a single family detached dwelling.
- c. Heritage Preservation Review Board. The subject development shall be reviewed and approved, if it is approved, for a Certificate of Appropriateness by the Town of Herndon Heritage Preservation Review Board prior to the issuance of building permits.
- d. Setbacks. The site shall maintain the required minimum setbacks for the R-10, Residential, zoning district. The minimum front yard shall be 35 feet, the minimum side yard shall be ten feet, and the minimum rear yard shall be 25 feet.
- e. Lot Coverage. The site shall be developed such that it does not exceed the maximum permitted building coverage of 25 percent, impervious surface coverage of 50 percent, and front yard impervious surface coverage of 35 percent, unless granted a variance by the Board of Zoning Appeals.
- f. Compliance with Town Code. The development of the property shall comply with all applicable sections of the Town Code.
- g. Termination. This special exception may be terminated by the Town Council, following public hearing, based upon information provided by the Zoning Administrator, if the development is not constructed in accordance with the zoning ordinance and the conditions set forth above.
- h. Expiration. This special exception shall automatically expire, without notice, twelve months after the date of Town Council approval unless the construction has commenced. Additional time to commence construction may be granted by the Town Council if a written request is submitted to the Zoning Administrator at least sixty days prior to the expiration date.

- i. Transferability. This special exception runs with the lands identified as Fairfax County Tax Map Number 0162-02-0265A and is not transferable to other properties.
 - j. Placement of Garage. No attached or detached garage shall be located between the primary structure and the Monroe Street right-of-way. This condition, condition K, shall be included on the house location survey (final plat), and future potential purchasers shall be informed in writing of this condition prior to the signing of a contract of sale.
3. This resolution by its terms shall be effective on and after the date of its adoption.

This is certified to be a true and accurate copy of Resolution 14-G-55 adopted at a legally convened meeting of the Town Council of the Town of Herndon on July 8, 2014.



Margie C. Tacci, Deputy Town Clerk II